



Agenda Date: 04/20/05
Agenda Item: 4A

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

IN THE MATTER OF THE JOINT PETITION)	<u>PREHEARING ORDER</u>
OF SBC COMMUNICATIONS INC. and)	
AT&T CORP., TOGETHER WITH ITS)	
CERTIFICATED SUBSIDIARIES for)	DOCKET NO. TM05020168
APPROVAL OF MERGER)	

(SERVICE LIST ATTACHED)

BY THE BOARD:

BACKGROUND

At its April 6, 2005 Agenda Meeting, the Board of Public Utilities ordered that a prehearing conference be convened in the above captioned matter, pursuant to N.J.A.C. 1:1-13.1. Said conference was held on April 14, 2005, after notice to all telecommunication carriers in New Jersey and other potentially interested parties. In attendance were representatives of SBC Communications, Inc., AT&T Corp., the Division of the Ratepayer Advocate and Board Staff, as well as counsel for the Board. The following procedures were settled:

1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED:

A. Nature of Proceedings:

Joint Petitioners SBC Communications, Inc. ("SBC") and AT&T Corp. ("AT&T") together with its certificated subsidiaries (collectively, "Joint Petitioners") request Board approval of the merger of SBC and AT&T in accordance with an Agreement and Plan of Merger.

B. Issues to be Resolved:

Whether the Petition should be approved under N.J.S.A. 48:3-10 and 48:2-51.1. The Board's review includes, but is not limited to, consideration of impacts of the merger on:

- a. Competition;
- b. the rates of ratepayers affected by the acquisition of control;

- c. the employees of the affected public utility or utilities; and
- d. the provision of safe and adequate service at just and reasonable rates

2. **PARTIES AND ATTORNEYS OR REPRESENTATIVES**

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For Intervenors

To be determined.

3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:

Two evening public hearings are scheduled at dates and locations to be announced. A draft notice is to be circulated to the parties by the Joint Petitioners.

4. SCHEDULE OF HEARING DATES, TIME AND PLACE:

Hearings will be held on consecutive days from June 14 through June 15, 2005, as necessary, before Commissioner Frederick F. Butler. Hearings will commence at 10:00 a.m. in the 8th Floor hearing room of the Board of Public Utilities, Two Gateway Center, Newark, New Jersey.

5. STIPULATIONS:

None

6. SETTLEMENT:

Settlement conference(s) among the parties may be convened at the convenience of the parties.

7. AMENDMENTS TO PLEADINGS:

None

8. CASE EVENT AND DATE FOR COMPLETION:

Prehearing Conference	April 14, 2005
Intervention Motions	April 27, 2005
Responses to Intervention Motions	May 2, 2005
Initial Statements/Pre-filed Testimony	May 4, 2005
Discovery Requests*	May 12, 2005
Discovery Responses	May 23, 2005

Public Hearings

Reply Statements/Testimony June 1, 2005

Hearings June 14-15, 2005

Initial Briefs July 8, 2005

Reply Briefs July 22, 2005

Board Decision August 17, 2005

*Discovery may commence immediately.

9. ORDER OF PROOFS:

Joint Petitioners

2. Ratepayer Advocate

3. Others

4. Board Staff

10. EXHIBITS MARKED FOR IDENTIFICATION:

None.

11. EXHIBITS MARKED IN EVIDENCE:

None.

12. ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES:

Joint Petitioners: 4 (approximately)
Ratepayer Advocate: 1 (approximately)
Board Staff: None contemplated at this time.

13. MOTIONS CONTEMPLATED, PENDING OR GRANTED:

Motions to intervene should be served and filed on or before April 27, 2005. Responses thereto should be filed on or before May 2, 2005. No other motions are contemplated at this time.

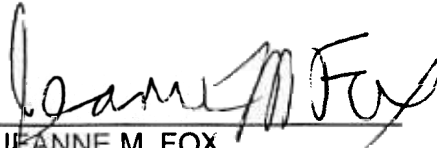
14. OTHER SPECIAL MATTERS:

None.

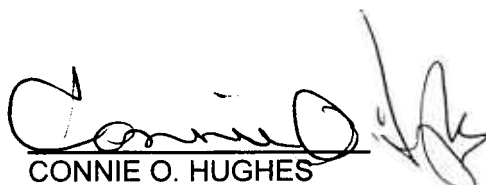
Upon consideration of same, the Board hereby **ADOPTS** the foregoing stipulations in the above captioned matter.

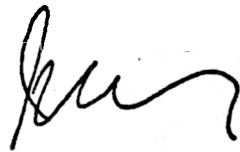
DATED: 4/20/05

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER


JACK ALTER
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities

